

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	SUPERSEDING
)	<u>INDICTMENT</u>
Plaintiff,)	
)	
v.)	Criminal No. 3:06CR730
)	
THOMAS ANTHONY GALAN,)	21 U.S.C. § 841(a)(1)
)	21 U.S.C. § 846
Defendant.)	18 U.S.C. § 924(j)
)	18 U.S.C. § 924(c)(1)
)	18 U.S.C. § 1111

COUNT 1

NARCOTICS CONSPIRACY CHARGE

The Grand Jury charges:

1. Beginning in or about 1987, and continuing through the date of this Indictment, the exact dates being unknown to the Grand Jury, in the Northern District of Ohio, Western Division, and elsewhere, THOMAS ANTHONY GALAN, defendant herein, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree together and with other persons, both known and unknown to the Grand Jury, to distribute and possess with intent to

distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance; and 50 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A), (b)(1)(C) and 846.

PURPOSE AND OBJECT

The principal object of this conspiracy was to make money from the illegal sale and distribution of marijuana and cocaine. It was further the purpose and object of this conspiracy that THOMAS ANTHONY GALAN would conspire with members of the Luna family, including Ramiro Luna and Heriberto Luna, a/k/a Beto, to obtain substantial quantities of cocaine and marijuana from Chicago, Illinois, Detroit, Michigan, the State of Texas, and Mexico, which drugs would be distributed throughout northwest Ohio and elsewhere.

MANNER AND MEANS

The manner and means by which the goals of the conspiracy were met included the following:

A. THOMAS ANTHONY GALAN did obtain cocaine and marijuana from Ramiro Luna and Heriberto Luna, a/k/a Beto, either directly or through other co-conspirators, which THOMAS ANTHONY GALAN distributed in and around Fostoria, Ohio.

B. THOMAS ANTHONY GALAN also received marijuana and/or cocaine from co-conspirators Felipe A. Flores and George Flores, which THOMAS ANTHONY GALAN also distributed.

C. It was further a part of the conspiracy that, in order to protect his controlled substances and ill-gotten gains resulting from their sale, THOMAS ANTHONY GALAN

obtained a Ruger P-85 9mm pistol from a person known to the Grand Jury, in satisfaction of a debt arising from the distribution of marijuana.

D. It was further a part of this conspiracy that on December 7, 1996, THOMAS ANTHONY GALAN murdered Felipe A. Flores and George Flores near Fostoria, Ohio, to avoid paying Felipe A. Flores and George Flores for marijuana previously supplied to THOMAS ANTHONY GALAN by Felipe A. Flores and George Flores.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

MURDER WITH A FIREARM IN RELATION TO A DRUG TRAFFICKING CRIME

On or about December 7, 1996, in the Northern District of Ohio, Western Division, THOMAS ANTHONY GALAN, defendant herein, did knowingly use, carry and discharge a firearm, to wit, a Ruger P-85 9mm pistol, serial number 303-00558, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to-wit: conspiracy to distribute and possess with intent to distribute marijuana and cocaine, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), as set forth in Count 1 of this Superseding Indictment, which is re-alleged and incorporated by reference herein, in violation of Title 18, United States Code, Section 924(c)(1), and in the course of this violation caused the death of Felipe A. Flores through the use of a firearm, which killing is a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, did unlawfully kill Felipe A. Flores by shooting him with a firearm, to wit, a Ruger P-85 9mm pistol, serial number 303-00558, said defendant acting willfully, deliberately, maliciously, and with premeditation in violation of Title 18, United States Code, Section 924(j)(1).

COUNT 3

**MURDER WITH A FIREARM IN RELATION TO
A DRUG TRAFFICKING CRIME**

On or about December 7, 1996, in the Northern District of Ohio, Western Division, THOMAS ANTHONY GALAN, defendant herein, did knowingly use, carry and discharge a firearm, to wit, a Ruger P-85 9mm pistol, serial number 303-00558, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to-wit: conspiracy to distribute and possess with intent to distribute marijuana and cocaine, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), as set forth in Count 1 of this Superseding Indictment, which is re-alleged and incorporated by reference herein, in violation of Title 18, United States Code, Section 924(c)(1), and in the course of this violation caused the death of George Flores through the use of a firearm, which killing is a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, did unlawfully kill George Flores by shooting him with a firearm, to wit, a Ruger P-85 9mm pistol, serial number 303-00558, said defendant acting willfully, deliberately, maliciously, and with premeditation in violation of Title 18, United States Code, Section 924(j)(1).

NOTICE OF SPECIAL FINDINGS

The Grand Jury repeats and realleges the accusations of Counts 1, 2 and 3 of this Superseding Indictment.

1. As to each of Counts 2 and 3, the defendant, THOMAS ANTHONY GALAN
 - a. was 18 years of age or older at the time of the offense;
 - b. intentionally killed the victim named in the respective count of the indictment (18 U.S.C. § 3591(a)(2)(A));

- c. intentionally inflicted serious bodily injury that resulted in the death of the victim named in the respective count of the indictment (18 U.S.C. § 3591(a)(2)(B));
- d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and the victim named in the respective count of the indictment died as a direct result of such acts (18 U.S.C. § 3591(a)(2)(C));
- e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and the victim named in the respective count of the indictment died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));
- f. in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. § 3592(c)(5));
- g. committed the offense as consideration for the receipt, and in the expectation of the receipt, of a thing of pecuniary value (18 U.S.C. § 3592(c)(8));
- h. committed the offense after substantial planning and premeditation to cause the death of the victim named in the respective count of the indictment (18 U.S.C. § 3592(c)(9)); and
- i. intentionally killed and attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

A TRUE BILL.

United States v. THOMAS ANTHONY GALAN

A TRUE BILL.

FOREPERSON

GREGORY A. WHITE
United States Attorney